



PATENT
09/801,617

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 2178
: Examiner J. D. Campbell
Sanaa F. Abdelhadi et al. : Intellectual Property
Serial No: 09/801,617 : Law Department - 4054
Filed: March 8, 2001 : International Business
Title: REVIEWING PORTIONS : Machines Corporation
OF THE HYPERTEXT WORLD WIDE : 11400 Burnet Road
WEB DOCUMENTS LINKED TO : Austin, Texas 78758
HYPERLINKS IN RECEIVED WORLD : Customer No. 32,329
WIDE WEB DOCUMENTS :
:

CERTIFICATE OF MAILING

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J.B. KRAFT

Signature

Date

TRANSMITTAL OF APPELLANTS' BRIEF UNDER 37 CFR 1.192(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached is Appellants' Brief (in triplicate) in this Appeal from a decision of the Examiner dated November 11, 2004 finally rejecting claims 1-20.

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Please charge our Deposit Account No. 09-0447 in the amount of \$500.00.

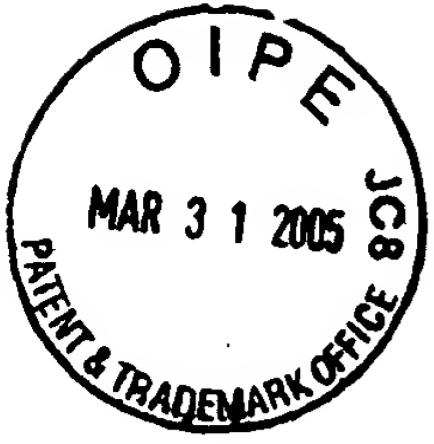
The Commissioner is hereby authorized to charge any additional fee which may be required or credit any overpayment to Deposit Account No. 09-0447. A duplicate copy of this document is included.

Respectfully submitted,


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AF Zee

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BRIEF ON APPEAL

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal from the Final Rejection of Claims 1-20 of this Application. VIII. Appendix containing a copy of each of the Claims is attached.

I. Real Party in Interest

The real party in interest is International Business Machines Corporation, the assignee of the present Application.

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PATENT
09/801,617

II. Related Appeals and Interferences

None

III. Status of Claims

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

There are 20 claims in this Application.

B. STATUS OF ALL THE CLAIMS

1. Claims cancelled: None.
2. Claims withdrawn from consideration but not cancelled: None.
3. Claims pending: 1-20.
4. Claims allowed: None.
5. Claims rejected: 1-20.

C. CLAIMS ON APPEAL

Claims on appeal: 1-20.

IV Status of Amendments

No amendments have been filed after Final Rejection.

V. Summary of Claimed Invention

The present invention provides a simple and effective system through which the Web user may distinguish those hyperlinks in each received Web document which are of interest to him. The invention provides means associated with one of said receiving display stations for enabling a user to select to view only a portion of a hypertext document linked to a hyperlink in any received hypertext document. There are also provided means for accessing and storing, at the one receiving display station, the selected portion of the linked hypertext document; and for then displaying said stored portion of a linked document to the user. The user may then review this preview portion of the document and decide whether he wishes to see the whole linked Web document.

VI. Grounds of Rejection

Claims 1-13, 15, and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Weiss et al. US Patent Application Publication No. 2003/0014415, filed February 22, 2001.

Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. US Patent Application Publication No. 2003/0014415, filed February 22, 2001 in view of Tracy et al. (US 6,199,753).

VII. Argument

The rejection of claims 1-13, 15, and 17-20 under 35 USC 102(e) as anticipated by Weiss et al., Pub. No. 2003/0014415, filed 02/22/01 is respectfully traversed.

Applicants submit that they have established a date of invention prior to the February 22, 2001 filing date of the Weiss et al. Publication, and have thereby antedated the Weiss et al. Publication under 37 C.F.R. 1.131. Since the Weiss publication is precluded from being a reference, there is no longer a basis for the 35 U.S.C. 102(e) based on the Weiss Publication.

Applicants agree with the Examiner on the law that in order to swear back of a reference under 37 C.F.R. 1.131, there must be complete conception of the claimed invention just prior to the filing date of the reference combined with diligence from the time of conception until the filing of the patent application (constructive reduction to practice).

The facts in this Application as submitted in the Declaration under 37 C.F.R. 1.131 of J.B. Kraft who prepared the Application as confirmed by the Declaration of the inventors herein establish a complete conception prior to the February 22, 2001 filing date of Weiss et al., and reasonable diligence during the 14 day period until the present Application was filed in the U.S. Patent Office of March 8, 2001. In this connection, let us consider each of the two elements: Conception and Due Diligence.

Conception

The Declaration of J. B. Kraft, the Attorney who prepared the present Application declares that before February 22, 2001, he had a completed draft of the present

Application in its present form. The Declaration of Kraft supported by copies of his diary entries also indicates that prior of February 22, on January 23, 2001, he completed an all day "Redo" of the Application into its final draft form. Kraft's diary entries indicate no further work on this Application. Kraft's Declaration thus sets forth that these diary entries indicate to him that at that point, January 23, 2001 and thus prior to February 22, 2001, the present Application was in its present form as a final draft.

There can be no issue as to conception since the proven existence of this completed final draft prior to February 22, 2001, as a conception, substantially corresponds to all of the elements of the present Application and its claimed invention.

Diligence

Both the Examiner and Applicants agree that all that needs to be established is diligence toward the filing of the present Application during the 14 day period between just prior to February 22, 2001 and the March 8, 2001 filing date of the present Application.

During this period, all of the formal Application papers were being prepared, proof read, and read by the inventors. Any trier of facts would be expected to decide that 14 days was a reasonable period for carrying out such a procedure.

The Examiner makes the point that no specific evidence was presented as to the day to day progress of the preparation of the patent application formal papers during this 14 day period. Anyone familiar with the administration of a patent law office knows that it is not expected that the clerical and administrative personnel would keep running daily records of their work queues, and when they completed

the preparation of the individual application formal papers during the work period. Applicants have submitted proof that the final draft of the Application in its present form was in the IBM Intellectual Property Law Department work queue just prior to February 22, 2001, and that it was completed and signed 14 days later on March 8, 2001.

The operations of Intellectual Property Law departments is not some remote and obscure function to all of us who are patent professionals. Thus, it is submitted that day to day reasonable operations do not need to be documented by specific evidence. The U. S. Patent Office can take Official Notice that a fourteen day period is not an unreasonable one for a patent application to be processed from final draft to an executed patent application. The Board of Patent Appeals is requested to consider taking such Official Notice in its decision.

The Rejection of claims 14 and 16 under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. US Patent Application Publication No. 2003/0014415, filed February 22, 2001 in view of Tracy et al. (US 6,199,753) is also respectfully traversed.

Since, as established hereinabove, the Weiss publication is precluded from being a reference, there is no longer a basis for this 35 U.S.C. 103(a) based on a combination including the Weiss Publication.

Conclusion

In view of the foregoing, it is submitted that Weiss et al., Pub. No. 2003/0014415, filed 02/22/01 has been antedated and precluded from being used as a reference as a result of Applicants submissions under 37 C.F.R. 1.131.

Therefore, it is submitted that claims 1-13, 15, and 17-20 can not be anticipated under 35 USC 102(e) by Weiss et al., Pub. No. 2003/0014415, and that claims 14 and 16 are patentable under 35 U.S.C. 103(a) over Weiss et al. US Patent Application Publication No. 2003/0014415, filed February 22, 2001 in view of Tracy et al. (US 6,199,753).

Accordingly, it is respectfully requested the Final Rejection of claims 1-20 be reversed, and that the claims be found to be in condition for allowance and such allowance is respectfully requested.

Respectfully submitted,


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VIII. Claims Appendix

1 1. In a World Wide Web (Web) communication network with
2 user access via a plurality of data processor controlled
3 interactive receiving display stations for displaying
4 received hypertext documents of at least one display page
5 containing text, images and a plurality of embedded
6 hyperlinks, each hyperlink being user selectable to access
7 and display a respective linked hypertext document, a system
8 for enabling a user to selectively preview each hypertext
9 document linked to the hyperlinks in each received hypertext
10 document comprising:

11 means associated with one of said receiving display
12 stations for enabling a user to select to view only a
13 portion of a hypertext document linked to a hyperlink in any
14 received hypertext document;

15 means for accessing and storing at said one receiving
16 display station said portion of said linked hypertext
17 document; and

18 means responsive to said means for enabling said user
19 selection for displaying said stored portion of a linked
20 document.

1 2. The Web system of claim 1 further including means for
2 enabling a user to select to view the full linked hypertext
3 document after the user has viewed a portion of said full
4 linked document.

1 3. The Web system of claim 2 wherein said means for
2 enabling the user to select to view only a portion of a
3 linked document enable the user to select the size of the
4 portion of the linked document to be viewed.

1 4. The Web system of claim 2 wherein said one receiving
2 display station further includes a user interactive Web
3 browser, said Web browser including:

4 said means for enabling a user to select to view only a
5 portion of any hypertext document linked to a hyperlink in a
6 received hypertext document;

7 said means for accessing and storing said portion of
8 said linked hypertext document; and

9 said means responsive to said means for enabling said
10 user selection for displaying said stored portion of a
11 linked document.

1 5. In a Web communication network with user access via a
2 plurality of data processor controlled interactive receiving
3 display stations for displaying received hypertext documents
4 of at least one display page containing text, images and a
5 plurality of embedded hyperlinks, each hyperlink being user
6 selectable to access and display a respective linked
7 hypertext document, a method for enabling a user to
8 selectively preview each hypertext document linked to the
9 hyperlinks in each received hypertext document comprising:

10 enabling a user to select to view only a portion of any
11 hypertext document linked to a hyperlink in a hypertext
12 document received at one of said receiving display stations;
13 accessing and storing at said one receiving display
14 station said portion of said linked hypertext document; and
15 displaying said stored portion of a linked document
16 responsive to said user selection.

1 6. The method of claim 5 further including the step of
2 enabling a user to select to view the full linked hypertext
3 document after the user has viewed a portion of said full
4 linked document.

1 7. The method of claim 6 wherein said step of enabling the
2 user to select to view only a portion of a linked document
3 further enables the user to select the size of the portion
4 of the linked document to be viewed.

1 8. The method of claim 6 further including a Web browser
2 method operatively associated with at least said one
3 receiving display station, said Web browser method including
4 said steps of:

5 enabling a user to select to view only a portion of a
6 hypertext document linked to a hyperlink in a received
7 hypertext document;

8 accessing and storing said portion of said linked
9 hypertext document; and

10 displaying said stored portion of a linked document
11 responsive to said user selection.

1 9. A computer program having code recorded on a computer
2 readable medium for enabling a user to selectively preview
3 each hypertext document linked to the hyperlinks in each
4 received hypertext document in a Web communication network
5 with user access via a plurality of data processor
6 controlled interactive receiving display stations for
7 displaying received hypertext documents of at least one
8 display page containing text, images and a plurality of
9 embedded hyperlinks, each hyperlink being user selectable to
10 access and display a respective linked hypertext document,
11 said program comprising:

12 means associated with one of said receiving display
13 stations for enabling a user to select to view only a
14 portion of a hypertext document linked to a hyperlink in any
15 received hypertext document;

16 means for accessing and storing at said one receiving
17 display station said portion of said linked hypertext
18 document; and

19 means responsive to said means for enabling said user
20 selection for displaying said stored portion of a linked
21 document.

1 10. The computer program of claim 9 further including means
2 for enabling a user to select to view the full linked
3 hypertext document after the user has viewed a portion of
4 said full linked document.

1 11. The computer program of claim 10 wherein said means for
2 enabling the user to select to view only a portion of a
3 linked document enables the user to select the size of the
4 portion of the linked document to be viewed.

1 12. The computer program of claim 10 wherein said one
2 receiving display station further includes a user
3 interactive Web browser program, said Web browser including:
4 said means for enabling a user to select to view only a
5 portion of any hypertext document linked to a hyperlink in a
6 received hypertext document;
7 said means for accessing and storing said portion of
8 said linked hypertext document; and
9 said means responsive to said means for enabling said
10 user selection for displaying said stored portion of a
11 linked document.

1 13. In a Web communication network with user access via a
2 plurality of receiving display stations for displaying
3 accessed Web pages a method comprising:
4 enabling a user at one of said receiving display
5 stations to select to view only a portion of a Web page; and
6 responsive to said user selection:
7 accessing said portion of said Web page from the Web,
8 and displaying said accessed portion of said Web page.

1 14. The method of claim 13 wherein:
2 said selected portion includes an incomplete image; and
3 said portion is accessed and displayed in a text only
4 mode.

1 15. A computer program having code recorded on a computer
2 readable medium for enabling a user at a receiving display
3 station on the Web to preview a Web page comprising:
4 means enabling a user at said receiving display station
5 to select to view only a portion of a Web page; and
6 means responsive to said user selection for accessing
7 said portion of said Web page from the Web, and for
8 displaying said accessed portion of said Web page.

1 16. The computer program of claim 15 wherein:
2 said selected portion includes an incomplete image; and
3 said means responsive to said selection access and
4 display said portion in a text only mode.

1 17. In a communications network, a method for viewing a
2 portion of a document transmittable over the network
3 comprising:
4 requesting a portion of a transmittable document;
5 transmitting said requested document portion; and
6 displaying said transmitted portion on a display
7 terminal in said network.

1 18. A computer program having code recorded on a computer
2 readable medium for enabling a user at a display terminal in
3 said network to preview a Web page comprising:

4 means for requesting a portion of a transmittable
5 document;

6 means for transmitting said requested document portion;
7 and

8 means for displaying said transmitted portion on a
9 display terminal in said network.

1 19. In a computer controlled display system, a method for
2 viewing a portion of a document comprising:

3 requesting a portion of a stored document;

4 obtaining said requested document portion; and

5 displaying said obtained portion.

1 20. A computer program having code recorded on a computer
2 readable medium for enabling a user in a computer controlled
3 display system to preview a document comprising:

4 means for requesting a portion of a document;

5 means for obtaining said requested document portion;

6 and

7 means for displaying said obtained portion on said
8 computer controlled display system.